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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

vs.

Mark Anthony Rissi,

Defendant.

Case No. 2:22-cr-01283-DWL-1

**DEFENDANT'S SENTENCING
MEMORANDUM**

(Redacted Version)

The Defendant Mark Anthony Rissi, through his attorney, submits this Sentencing Memorandum respectfully requests that the Court grant Defendant a variance and sentence Mr. Rissi to a term of imprisonment of Twelve months plus one day followed by a term of supervised release.

I. A Sentence of 12 Months 1 Day is Warranted under 18 U.S.C. §§ 3553(a)

The federal sentencing statute requires that the court tailor an individualized sentence that is "sufficient, but not greater than necessary" to comply with the purpose of 18 U.S.C. § 3553(a)(2), and, in "determining the particular sentence to be imposed, shall consider--

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;

1 (2) the need for the sentence imposed—
2

3 (A) to reflect the seriousness of the offense, to promote respect for the
4 law, and to provide just punishment for the offense;

5 (B) to afford adequate deterrence to criminal conduct;

6 (C) to protect the public from further crimes of the defendant; and

7 (D) to provide the defendant with needed educational or vocational
8 training, medical care, or other correctional treatment in the most
9 effective manner.

10 18 U.S.C. §§ 3553(a).

11 **A. The History and Character of the Defendant**

12 Mr. Rissi was born to Donald Louis and Joan Rose Rissi in Belleville, Illinois.
13 (PSR ¶52.) When Mr. Rissi was 14 his father passed away while serving as a pilot
14 in the United States Air Force when his bomber crashed in Vietnam. (PSR ¶¶52-53.)
15 After his father passed away, Mr. Rissi was primarily raised by his mother. (PSR
16 ¶53.) Mr. Rissi described his childhood as “good” until his father passed away, and
17 caused his family to struggle financially where he had to start working. Id. [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Mr. Rissi currently resides in the Cedar Rapids, Iowa area since 2012. (PSR
21 ¶57.) [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] Because of his physical condition, he states that it takes him
7 approximately 1.5 hours to get out of bed in the morning and he requires the
8 assistance of one or two canes to move depending on how he feels. Id. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Mr. Rissi's brother Tommy, passed away in July of 2017 from an autoimmune
13 disease. (PSR ¶52.) In 2018, Mr. Rissi's mother-in-law passed away. (PSR ¶60.) His
14 wife Mary Ann Rissi followed when she died later that year from complications
15 related to Alzheimer's disease. (PSR ¶¶ 55, 60.) Mr. Rissi reports that he took care
16 of Mary Ann's every need from 2012 to 2018, while serving as her caretaker as she
17 struggled with her condition and she dwindled physically and mentally. Mr. Rissi
18 reports that this caused him great mental anguish. Mr. Rissi believes that he believes
19 he experiences PTSD from these events, although he has never been in any mental
20 health treatment. (PSR ¶¶ 60.) Subsequently, in September of 2021 and just prior
21 to count one of the indictment in this matter, Mr. Rissi's mother passed away; she
22 had suffered a stroke and had dementia. (PSR ¶¶ 52.)
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1 **B. The Nature and Circumstances of the Offense**

2 Mr. Rissi pled guilty to Counts One and Three of the indictment charging Mr.
3 Rissi with one violation each of 18 U.S.C. § 875(c) Interstate Threat, each Class D
4 offenses. [Dkt. 3] Mr. Rissi admitted that on two occasions he placed phone calls from
5 Iowa to Arizona where he left a threatening message on each occasion. [Dkt. 30]
6 Those messages were left for Arizona public officials. Id.
7

8 The first phone call took place on September 27, 2021. Id. This call took place
9 soon after Mr. Rissi's return from Florida after the passing of his mother. Mr. Rissi
10 had traveled to Florida and stayed for approximately ten to twelve days while his
11 mother's death was imminent and ultimately took place. During that time, and in
12 his weakened emotional state, Mr. Rissi was inundated with misinformation and
13 exaggerations regarding the election process in Arizona. In addition, he had
14 individuals pushing false theories regarding the administration of the election
15 process in Arizona. Prior to his mother's death he was spending considerable time
16 with her at her hospice care facility in Palm Beach and was not getting much sleep.
17

18 Upon his return to Iowa after his mother's death, he continued to see and hear
19 misinformation and fabrications regarding the administration of the election in
20 Arizona. At the time, Mr. Rissi believed the information to be true. During his
21 depression regarding the death of his mother, the multiple deaths of his family since
22 2017, his pain [REDACTED], his lack of sleep, and his mental
23 state [REDACTED] he resorted to leaving the two messages that
24 he plead guilty to on this matter. [REDACTED]
25

1 [REDACTED]
2 He was having difficulty sleeping and he describes himself as “out of sorts” due to his
3 pain and the death of his mother.

4 Mr. Rissi has taken full responsibility for his actions and has not made excuses
5 for his conduct. When he was contacted by the FBI at his home in Iowa, he made it
6 clear that he had no intention to carry out any threats, go to Arizona, or harm anyone
7 in anyway. Mr. Rissi is remorseful for his actions and stated that it was a horrible
8 thing to call someone and make threats against others. (PSR ¶21.) Mr. Rissi stated
9 that there is no excuse for what he did, and had he been in his right state of mind, he
10 would have never engaged in the conduct. Id. Mr. Rissi has no criminal history (PSR
11 ¶¶ 46-47) and to date has been fully compliant while on Pretrial release. [Dkt. 37]
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13

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15 **C. The Seriousness of the Offense, Just Punishment, and Respect for the**
16 **Law**

17 The Court may vary from the applicable guidelines based upon the sentencing
18 factors enumerated in 18 U.S.C. §3553(a), for the reasons enumerated in the
19 memorandum including the need to avoid unwarranted sentencing disparities among
20 similarly situated individuals. Counsel on behalf of Mr. Rissi is requesting a variance
21 from the advisory guideline range in order to promote sentencing parity. As a result,
22 a term of Twelve months plus one day of imprisonment would be appropriate for this
23 case. The requested sentence taken as a whole, will reflect the seriousness of the
24 offense, promote respect for the law, provide just punishment, protects the public,
25

1 will deter future criminal conduct, and provides necessary correctional treatment.

2 **RESPECTFULLY SUBMITTED** Tuesday, August 8th, 2023.

3 **KNOWLES LAW FIRM, PLC**

4 By: /s/ Anthony J. Knowles
5 Anthony J. Knowles, State Bar
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